



#3
ATTORNEY DOCKET NO.: 2002645-0003

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

NUTRITIONAL SUPPLEMENTS CONTAINING METHYLSelenocysteine

the specification of which (I authorize Choate, Hall & Stewart to check one of the following three choices, and fill in the blanks, if applicable):

_____ is attached hereto

X was filed on September 12, 2000 as Application Serial No. 09/659,926 and amended on _____ (if applicable).

_____ was filed as PCT international application No. _____ on _____ and was amended under PCT Article 19 on _____ (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledged the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

Priority Claimed

(Number)	(Country)	(Day/Month/Year/Filed)	Yes	No
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I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America



listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

09/041,355 March 12, 1998 Pending
(Application Serial No.) (filing date) (status-patented, pending, abandoned)

PCT Applications designating the United States:

(PCT Appl. No.) (U.S.S.N.) (status-patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national filing date of this application.

Provisional Application(s):

<u>Application Number</u>	<u>Filing Date</u>	<u>Status</u>
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United State Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.



Full name of first inventor David Salt

Inventor's signature David Salt

Date: 11th Jan 2001

Residence 7140 West Suzette Lane, Flagstaff, AZ 86001

Citizenship United States

Post Office Address Same

Full name of first inventor Burt D. Ensley

Inventor's signature _____ Date: _____

Residence 7 Colts Neck Drive, Newton, PA 18940

Citizenship United States

Post Office Address Same

Full name of first inventor Cynthia Orser

Inventor's signature _____ Date: _____

Residence 915 Ridge Drive, McLean, VA 2210

Citizenship United States

Post Office Address Same



ATTORNEY DOCKET NO.: 2002645-0003

DECLARATION

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the specification of which (I authorize Choate, Hall & Stewart to check one of the following, three choices, and fill in the blanks, if applicable):

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Prior Foreign Application(s):	Priority Claimed			
(Number)	(Country)	(Day/Month/Year/Filed)	Yes	No

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<u>09/041,355</u> (Application Serial No.)	<u>March 12, 1998</u> (filing date)	<u>Pending</u> (status-patented, pending, abandoned)
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PCT Applications designating the United States:

<u>(PCT Appl. No.)</u>	<u>(U.S.S.N.)</u>	<u>(status-patented, pending, abandoned)</u>
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Provisional Application(s):

<u>Application Number</u>	<u>Filing Date</u>	<u>Status</u>
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Full name of first inventor David Salt

Inventor's signature _____ Date: _____

Residence 7140 West Suzette Lane, Flagstaff, AZ 86001

Citizenship United States

Post Office Address Same

Full name of first inventor Burt D. Ensley

Inventor's signature Burt D. Ensley Date: 08/02/01

Residence 7 Colts Neck Drive, Newton, PA 18940

Citizenship United States

Post Office Address Same

Full name of first inventor Cynthia Orser

Inventor's signature _____ Date: _____

Residence 915 Ridge Drive, McLean, VA 2210

Citizenship United States

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09/041,355 March 12, 1998 Pending
(Application Serial No.) (filing date) (status-patented, pending, abandoned)

PCT Applications designating the United States:

(PCT Appl. No.) (U.S.S.N.) (status-patented, pending, abandoned)

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Provisional Application(s):

<u>Application Number</u>	<u>Filing Date</u>	<u>Status</u>
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Full name of first inventor David Salt

Inventor's signature _____ Date: _____

Residence 7140 West Suzette Lane, Flagstaff, AZ 86001

Citizenship United States

Post Office Address Same

Full name of first inventor Burt D. Ensley

Inventor's signature _____ Date: _____

Residence 7 Colts Neck Drive, Newton, PA 18940

Citizenship United States

Post Office Address Same

Full name of first inventor Cynthia Orser

Inventor's signature Cindy A. Orser Date: 1-8-01

Residence 915 Ridge Drive, McLean, VA 2210

Citizenship United States

Post Office Address Same



ATTORNEY'S DOCKET NO.: 2002645-0003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ensley, *et al.*
Serial No.: Not Assigned
Filed: September 12, 2000
For: NUTRITIONAL SUPPLEMENTS CONTAINING
METHYLSelenocysteine

Commissioner for Patents
Washington, DC 20231

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
37 CFR 1.9(f) and 1.27(c)
SMALL BUSINESS CONCERN

I hereby declare that I am

() the owner of the small business concern identified below:
(X) an official empowered to act on behalf of the small business concern identified below:

NAME OF CONCERN: NuCycle Therapy, Inc.
ADDRESS OF CONCERN: One Deer Park Drive, Suite 1, Monmouth Junction, NJ 08852

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For the purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full time, part time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when, either directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract of law have been conveyed to and remain with the small business concern identified above with regard to the invention titled:

TITLE: NUTRITIONAL SUPPLEMENTS CONTAINING METHYLSelenocysteine
by:
INVENTOR(S): Burt D. Ensley, David Salt, and Cynthia Orser

described in:

(X) the specification filed herewith
() U.S. Patent Application Serial Number _____
 filed _____
() U.S. Patent Number _____
 issued _____

If the rights of the above-identified small business concern are not exclusive, each individual, concern, or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor(s), who could not qualify as a small business concern under 37 CFR 1.9(d) or a non-profit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention, averring to their status as small entities. (37 CFR 1.27).

FULL NAME: _____

ADDRESS: _____

() INDIVIDUAL () SMALL BUSINESS CONCERN () NON-PROFIT ORGANIZATION

FULL NAME: _____

ADDRESS: _____

() INDIVIDUAL () SMALL BUSINESS CONCERN () NON-PROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: John Benneman

TITLE IN ORGANIZATION: CEO

ADDRESS OF PERSON SIGNING NuCycle Therapy, Inc.

One Deer Park Drive, Suite 1

Monmouth Junction, NJ 08852

SIGNATURE:  DATE: Mw 22'03

ATTORNEY'S DOCKET NO. 3002645-0003



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ensley *et al.*
Serial Number: Not Assigned
Filed: September 12, 2000
For: NUTRITIONAL SUPPLEMENTS CONTAINING
METHYSELENOCYSTEINE

Commissioner for Patents
Washington, D.C. 20231

Sir:

APPOINTMENT OF ATTORNEY

The undersigned hereby appoints Sam Pasternack, Registration No. 29,576; Brenda Herschbach Jarrell, Registration No. 39,223; Elizabeth Nugent, Registration No. 43,839; Karoline Shair, Registration No. 44,332; Valarie B. Rosen, Registration No. 45,698; Stanley C. Mah, Registration No. 46,189; C. Hunter Baker, Reg. No. P-46,533; and Monica R. Gerber, Reg. No. P-46,724 as its attorneys and agents for prosecution of matters relating to the above-identified patent application and to conduct all business in the United States Patent and Trademark Office.

All correspondence should be sent to Brenda Herschbach Jarrell, Choate, Hall & Stewart, Exchange Place, 53 State Street, Boston, Massachusetts 02109.

Respectfully submitted,

Name: John Benheman
Title: CEO
On behalf of NuCycle Therapy, Inc.

Dated: February, 2000